

**AMENDMENT IN THE NATURE OF A
SUBSTITUTE TO H.R. 3609
OFFERED BY MR. PETRI OF WISCONSIN, MR.
CARSON OF OKLAHOMA, AND MR. LARSEN OF
WASHINGTON**

Strike out all after the enacting clause and insert
the following:

**1 SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49,
2 UNITED STATES CODE; TABLE OF CONTENTS.**

3 (a) SHORT TITLE.—This Act may be cited as the
**4 “Pipeline Infrastructure Protection To Enhance Security
5 and Safety Act”.**

**6 (b) AMENDMENT OF TITLE 49, UNITED STATES
7 CODE.**—Except as otherwise expressly provided, whenever
**8 in this Act an amendment or repeal is expressed in terms
9 of an amendment to, or a repeal of, a section or other
10 provision, the reference shall be considered to be made to
11 a section or other provision of title 49, United States
12 Code.**

13 (c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of title 49, United States Code; table of contents.

Sec. 2. One-call notification programs.

Sec. 3. One-call notification of pipeline operators.

Sec. 4. Public education programs.

Sec. 5. State oversight role.

Sec. 6. Community right-to-know and emergency preparedness.

Sec. 7. Safety orders and security recommendations.

Sec. 8. Penalties.

- Sec. 9. Risk management.
- Sec. 10. Population encroachment.
- Sec. 11. Integrity management for gas transmission lines.
- Sec. 12. Pipeline integrity research, development, and demonstration.
- Sec. 13. Qualification of pipeline personnel.
- Sec. 14. Security of pipeline facilities.
- Sec. 15. National pipeline mapping system.
- Sec. 16. Coordination of environmental reviews.
- Sec. 17. Pipeline security-sensitive information.
- Sec. 18. Technical amendments.
- Sec. 19. Authorization of appropriations.

1 **SEC. 2. ONE-CALL NOTIFICATION PROGRAMS.**

2 (a) MINIMUM STANDARDS.—Section 6103 is
3 amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1) by inserting “, in-
6 cluding all government operators” before the
7 semicolon at the end; and

8 (B) in paragraph (2) by inserting “, in-
9 cluding all government and contract exca-
10 vators” before the semicolon at the end; and

11 (2) in subsection (c) by striking “provide for”
12 and inserting “provide for and document”.

13 (b) COMPLIANCE WITH MINIMUM STANDARDS.—Sec-
14 tion 6104(d) is amended by striking “Within 3 years after
15 the date of the enactment of this chapter, the Secretary
16 shall begin to” and inserting “The Secretary shall”.

17 (c) IMPLEMENTATION OF BEST PRACTICES GUIDE-
18 LINES.—

19 (1) IN GENERAL.—Section 6105 is amended to
20 read as follows:

1 **“§ 6105. Implementation of best practices guidelines**

2 “(a) ADOPTION OF BEST PRACTICES.—The Sec-
3 retary of Transportation shall encourage States, operators
4 of one-call notification programs, excavators (including all
5 government and contract excavators), and underground
6 facility operators to adopt and implement practices identi-
7 fied in the best practices report entitled ‘Common
8 Ground’, as periodically updated.

9 “(b) TECHNICAL ASSISTANCE.—The Secretary shall
10 provide technical assistance to and participate in pro-
11 grams sponsored by a non-profit organization specifically
12 established for the purpose of reducing construction-re-
13 lated damage to underground facilities.

14 “(c) GRANTS.—

15 “(1) IN GENERAL.—The Secretary may make
16 grants to a non-profit organization described in sub-
17 section (b).

18 “(2) AUTHORIZATION OF APPROPRIATIONS.—In
19 addition to amounts authorized under section 6107,
20 there is authorized to be appropriated for making
21 grants under this subsection \$500,000 for each of
22 fiscal years 2002 through 2005. Such sums shall re-
23 main available until expended.

24 “(3) GENERAL REVENUE FUNDING.—Any sums
25 appropriated under this subsection shall be derived

1 from general revenues and may not be derived from
2 amounts collected under section 60301.”.

3 (2) CONFORMING AMENDMENT.—The analysis
4 for chapter 61 is amended by striking the item relat-
5 ing to section 6105 and inserting the following:

“6105. Implementation of best practices guidelines.”.

6 (d) AUTHORIZATION OF APPROPRIATIONS.—

7 (1) FOR GRANTS FOR STATES.—Section
8 6107(a) is amended by striking “\$1,000,000 for fis-
9 cal year 2000” and all that follows before the period
10 at the end of the first sentence and inserting
11 “\$1,000,000 for each of fiscal years 2002 through
12 2005”.

13 (2) FOR ADMINISTRATION.—Section 6107(b) is
14 amended by striking “for fiscal years 1999, 2000,
15 and 2001” and inserting “for fiscal years 2002
16 through 2005”.

17 **SEC. 3. ONE-CALL NOTIFICATION OF PIPELINE OPERA-**
18 **TORS.**

19 (a) LIMITATION ON PREEMPTION.—Section 60104(c)
20 is amended by adding at the end the following: “Notwith-
21 standing the preceding sentence, a State authority may
22 enforce a requirement of a one-call notification program
23 of the State if the program meets the requirements for
24 one-call notification programs under this chapter or chap-
25 ter 61.”.

1 (b) MINIMUM REQUIREMENTS.—Section 60114(a)(2)
2 is amended by inserting “, including a government em-
3 ployee or contractor,” after “person”.

4 (c) CRIMINAL PENALTIES.—Section 60123(d) is
5 amended—

6 (1) in the matter preceding paragraph (1) by
7 striking “knowingly and willfully”;

8 (2) in paragraph (1) by inserting “knowingly
9 and willfully” before “engages”; and

10 (3) by striking paragraph (2)(B) and inserting
11 the following:

12 “(B) a pipeline facility, and knows or has
13 reason to know of the damage, but does not re-
14 port the damage promptly to the operator of
15 the pipeline facility and to other appropriate
16 authorities; or”.

17 **SEC. 4. PUBLIC EDUCATION PROGRAMS.**

18 (a) SECURITY AND SAFETY STANDARDS.—Section
19 60102(b) is amended—

20 (1) in the subsection heading by striking
21 “PRACTICABILITY AND SAFETY NEEDS STAND-
22 ARDS” and inserting “SECURITY AND SAFETY
23 STANDARDS”;

24 (2) in paragraph (1)(B)(i)—

1 (A) by striking “safety” and inserting
2 “safety and security”;

3 (B) by striking “safely” and inserting
4 “safely and securely”;

5 (3) in paragraph (2)(A)—

6 (A) by striking “and” at the end of clause
7 (ii);

8 (B) by adding “and” at the end of clause
9 (iii); and

10 (C) by adding at the end the following:

11 “(iv) security information;”;

12 (4) in paragraph (2)—

13 (A) by striking “and” at the end of sub-
14 paragraph (F);

15 (B) by striking the period at the end of
16 subparagraph (G) and inserting “; and”; and

17 (C) by adding at the end the following:

18 “(H) the comments and recommendations of
19 the Office of Homeland Security and the Transpor-
20 tation Security Administration.”; and

21 (5) in paragraph (3)—

22 (A) by striking “and” at the end of sub-
23 paragraph (C);

24 (B) by striking the period at the end of
25 subparagraph (D) and inserting “; and”; and

1 (C) by adding at the end the following:

2 “(E) assess the vulnerabilities of pipeline
3 facilities to terrorist attacks.”.

4 (b) PUBLIC SAFETY PROGRAM REQUIREMENTS.—

5 Section 60102(c) is amended to read as follows:

6 “(c) PUBLIC SAFETY PROGRAM REQUIREMENTS.—

7 “(1) IN GENERAL.—The Secretary shall include
8 in the standards prescribed under subsection (a) a
9 requirement that the operator of a pipeline facility
10 participate in a public safety program that—

11 “(A) notifies an operator of proposed dem-
12 olition, excavation, tunneling, or construction
13 near or affecting the facility;

14 “(B) requires an operator to identify a
15 pipeline facility that may be affected by the
16 proposed demolition, excavation, tunneling, or
17 construction, to prevent damaging the facility;
18 and

19 “(C) the Secretary decides will protect a
20 facility adequately against a hazard caused by
21 demolition, excavation, tunneling, or construc-
22 tion.

23 “(2) COMPARABLE SERVICES.—To the extent a
24 public safety program referred to in paragraph (1)
25 is not available, the Secretary shall prescribe stand-

1 ards requiring an operator to take action to provide
2 services comparable to services that would be avail-
3 able under a public safety program.

4 “(3) PROMOTING PUBLIC SAFETY.—

5 “(A) PROVISION OF MAP TO MUNICIPALI-
6 TIES.—The operator of a hazardous liquid or
7 interstate gas pipeline facility shall provide on
8 an annual basis to the governing body of each
9 municipality in which the facility is located, a
10 map identifying the location of the facility.

11 “(B) SURVEY.—The Secretary shall peri-
12 odically survey and assess the public education
13 programs under section 60116 and the public
14 safety programs under this subsection and de-
15 termine their effectiveness and applicability as
16 components of a model program. In particular,
17 the survey shall include—

18 “(i) the methods by which operators
19 notify residents of the location of the facil-
20 ity and its right of way;

21 “(ii) public information regarding ex-
22 isting One-Call programs; and

23 “(iii) appropriate procedures to be fol-
24 lowed by residents of affected municipali-

1 ties in the event of accidents involving
2 interstate pipeline facilities.

3 “(C) RULEMAKING.—The Secretary shall
4 institute a rulemaking to determine the most
5 effective public safety and education program
6 components and promulgate standards imple-
7 menting those components on a nationwide
8 basis. Such standards shall establish appro-
9 priate limitations on access to maps provided
10 under subparagraph (A) based on the need for
11 security of the information.

12 “(D) TECHNICAL ASSISTANCE.—The Sec-
13 retary may provide technical assistance to State
14 and local officials in applying practices devel-
15 oped as part of the programs required under
16 this subsection and section 60116 to their ac-
17 tivities to educate and promote pipeline safety
18 with the public.”.

19 **SEC. 5. STATE OVERSIGHT ROLE.**

20 (a) STATE AGREEMENTS WITH CERTIFICATION.—
21 Section 60106 is amended—

22 (1) in subsection (a) by striking “GENERAL AU-
23 THORITY.—” and inserting “AGREEMENTS WITH-
24 OUT CERTIFICATION.—”;

1 (2) by redesignating subsections (b), (c), and
2 (d) as subsections (c), (d), and (e), respectively; and

3 (3) by inserting after subsection (a) the fol-
4 lowing:

5 “(b) AGREEMENTS WITH CERTIFICATION.—

6 “(1) IN GENERAL.—If the Secretary accepts a
7 certification under section 60105 and makes the de-
8 termination required under this subsection, the Sec-
9 retary may make an agreement with a State author-
10 ity authorizing it to participate in the oversight of
11 interstate pipeline transportation. Each such agree-
12 ment shall include a plan for the State authority to
13 participate in special investigations involving inci-
14 dents or new construction and allow the State au-
15 thority to participate in other activities overseeing
16 interstate pipeline transportation or to assume addi-
17 tional inspection or investigatory duties. Nothing in
18 this section modifies section 60104(c) or authorizes
19 the Secretary to delegate the enforcement of safety
20 standards prescribed under this chapter to a State
21 authority.

22 “(2) DETERMINATIONS REQUIRED.—The Sec-
23 retary may not enter into an agreement under this
24 subsection, unless the Secretary determines in writ-
25 ing that—

1 “(A) the agreement allowing participation
2 of the State authority is consistent with the
3 Secretary’s program for inspection and con-
4 sistent with the safety policies and provisions
5 provided under this chapter;

6 “(B) the interstate participation agreement
7 would not adversely affect the oversight respon-
8 sibilities of intrastate pipeline transportation by
9 the State authority;

10 “(C) the State is carrying out a program
11 demonstrated to promote preparedness and risk
12 prevention activities that enable communities to
13 live safely with pipelines;

14 “(D) the State meets the minimum stand-
15 ards for State one-call notification set forth in
16 chapter 61; and

17 “(E) the actions planned under the agree-
18 ment would not impede interstate commerce or
19 jeopardize public safety.

20 “(3) EXISTING AGREEMENTS.—If requested by
21 the State authority, the Secretary shall authorize a
22 State authority which had an interstate agreement
23 in effect after January 31, 1999, to oversee inter-
24 state pipeline transportation pursuant to the terms
25 of that agreement until the Secretary determines

1 that the State meets the requirements of paragraph
2 (2) and executes a new agreement, or until Decem-
3 ber 31, 2003, whichever is sooner. Nothing in this
4 paragraph shall prevent the Secretary, after afford-
5 ing the State notice, hearing, and an opportunity to
6 correct any alleged deficiencies, from terminating an
7 agreement that was in effect before enactment of the
8 Pipeline Infrastructure Protection To Enhance Secu-
9 rity and Safety Act if—

10 “(A) the State authority fails to comply
11 with the terms of the agreement;

12 “(B) implementation of the agreement has
13 resulted in a gap in the oversight responsibil-
14 ities of intrastate pipeline transportation by the
15 State authority; or

16 “(C) continued participation by the State
17 authority in the oversight of interstate pipeline
18 transportation has had an adverse impact on
19 pipeline safety.”.

20 (b) ENDING AGREEMENTS.—Subsection (e) of sec-
21 tion 60106 (as redesignated by subsection (a)(2) of this
22 section) is amended to read as follows:

23 “(e) ENDING AGREEMENTS.—

24 “(1) PERMISSIVE TERMINATION.—The Sec-
25 retary may end an agreement under this section

1 when the Secretary finds that the State authority
2 has not complied with any provision of the agree-
3 ment.

4 “(2) MANDATORY TERMINATION OF AGREE-
5 MENT.—The Secretary shall end an agreement for
6 the oversight of interstate pipeline transportation if
7 the Secretary finds that—

8 “(A) implementation of such agreement
9 has resulted in a gap in the oversight respon-
10 sibilities of intrastate pipeline transportation by
11 the State authority;

12 “(B) the State actions under the agree-
13 ment have failed to meet the requirements
14 under subsection (b); or

15 “(C) continued participation by the State
16 authority in the oversight of interstate pipeline
17 transportation would not promote pipeline safe-
18 ty.

19 “(3) PROCEDURAL REQUIREMENTS.—The Sec-
20 retary shall give notice and an opportunity for a
21 hearing to a State authority before ending an agree-
22 ment under this section. The Secretary may provide
23 a State an opportunity to correct any deficiencies be-
24 fore ending an agreement. The finding and decision
25 to end the agreement shall be published in the Fed-

1 eral Register and may not become effective for at
2 least 15 days after the date of publication unless the
3 Secretary finds that continuation of an agreement
4 poses an imminent hazard.”.

5 (c) SECRETARY’S RESPONSE TO STATE NOTICES OF
6 VIOLATIONS.—Subsection (c) of section 60106 (as redes-
7 igned by subsection (a)(2) of this section) is amended—

8 (1) by striking “Each agreement” and inserting
9 the following:

10 “(1) IN GENERAL.—Each agreement”;

11 (2) by adding at the end the following:

12 “(2) RESPONSE BY SECRETARY.—If a State au-
13 thority notifies the Secretary under paragraph (1) of
14 a violation or probable violation of an applicable
15 safety standard, the Secretary, not later than 60
16 days after the date of receipt of the notification,
17 shall—

18 “(A) issue an order under section
19 60118(b) or take other appropriate enforcement
20 actions to ensure compliance with this chapter;
21 or

22 “(B) provide the State authority with a
23 written explanation as to why the Secretary has
24 determined not to take such actions.”; and

1 (3) by aligning the text of paragraph (1) (as
2 designated by this subsection) with paragraph (2)
3 (as added by this subsection).

4 **SEC. 6. COMMUNITY RIGHT-TO-KNOW AND EMERGENCY**
5 **PREPAREDNESS.**

6 Section 60116 is amended to read as follows:

7 **“§ 60116. Community right-to-know and emergency**
8 **preparedness**

9 **“(a) PUBLIC EDUCATION PROGRAMS.—**

10 **“(1) IN GENERAL.—**Each operator of a gas
11 pipeline or hazardous liquid pipeline facility shall
12 carry out a continuing program to educate the pub-
13 lic on—

14 **“(A)** the use of a one-call notification sys-
15 tem prior to excavation and other damage pre-
16 vention activities;

17 **“(B)** the possible hazards associated with
18 unintended releases from the pipeline facility;

19 **“(C)** the physical indications that such a
20 release may have occurred;

21 **“(D)** what steps should be taken for public
22 safety in the event of a pipeline release; and

23 **“(E)** how to report such an event.

24 **“(2) REVIEW OF EXISTING PROGRAMS.—**Not
25 later than 1 year after the date of enactment of this

1 paragraph, each operator of a gas pipeline or haz-
2 arduous liquid pipeline facility shall review its existing
3 public education program for effectiveness and mod-
4 ify the program as necessary. The completed pro-
5 gram shall be reviewed by the Secretary of Trans-
6 portation as an element of Departmental inspec-
7 tions.

8 “(3) STANDARDS.—The Secretary may issue
9 standards prescribing the details of a public edu-
10 cation program and providing for periodic review of
11 the program’s effectiveness and modification as
12 needed. The Secretary may also develop material for
13 use in the program.

14 “(4) TECHNICAL ASSISTANCE.—The Secretary
15 may provide technical assistance on public safety
16 and public education programming regarding pipe-
17 line safety as follows:

18 “(A) TO PIPELINE INDUSTRY.—To the
19 pipeline industry, technical assistance on—

20 “(i) developing public safety and pub-
21 lic education program content; and

22 “(ii) using best practices for program
23 delivery and on evaluating the effectiveness
24 of the programs.

1 “(B) TO STATE AND LOCAL OFFICIALS.—

2 To State and local officials, technical assistance
3 on applying practices developed in public safety
4 and public education programs to their activi-
5 ties to promote pipeline safety.

6 “(b) PUBLIC AVAILABILITY OF REPORTS.—The Sec-
7 retary shall make available to the public a safety-related
8 condition report filed by an operator under section
9 60102(h) and, except as provided in section 60117(d)(2),
10 a report of a pipeline incident filed by an operator under
11 this chapter.

12 “(c) EMERGENCY PREPAREDNESS.—

13 “(1) OPERATOR LIAISON.—Not later than 1
14 year after the date of enactment of this subsection,
15 each operator of a gas pipeline or hazardous liquid
16 pipeline facility shall initiate and maintain liaison
17 with the State emergency response commissions, and
18 local emergency planning committees in the areas of
19 pipeline right-of-way, established under section 301
20 of the Emergency Planning and Community Right-
21 To-Know Act of 1986 (42 U.S.C. 11001) in each
22 State in which it operates.

23 “(2) EMERGENCY RESPONSE PLANS.—The Sec-
24 retary shall prescribe standards to require each op-

1 erator of a gas pipeline or hazardous liquid pipeline
2 facility—

3 “(A) to develop an emergency response
4 plan for responding to incidents involving the
5 facility; and

6 “(B) to make the plan available upon re-
7 quest to State and local officials.

8 “(3) COOPERATION WITH LOCAL OFFICIALS.—

9 Each operator of a gas pipeline or hazardous liquid
10 pipeline facility shall work in cooperation with State
11 and local officials in the development of State and
12 local emergency response plans for responding to in-
13 cidents involving the facility.

14 “(d) EMERGENCY RESPONSE GRANTS.—The Sec-
15 retary may establish a program for making grants to
16 State, county, and local governments in high consequence
17 areas, as such an area is defined by the Secretary, for
18 emergency response management, training, and technical
19 assistance.

20 (b) CONFORMING AMENDMENT.—The analysis for
21 chapter 601 is amended by striking the item relating to
22 section 60116 and inserting the following:

“60116. Community right-to-know and emergency preparedness.”.

1 **SEC. 7. SAFETY ORDERS AND SECURITY RECOMMENDA-**
2 **TIONS.**

3 Section 60117 is amended by adding at the end the
4 following:

5 “(l) SAFETY ORDERS.—If the Secretary decides that
6 a pipeline facility has a potentially unsafe condition, the
7 Secretary may order the operator of the facility to take
8 necessary corrective action, including physical inspection,
9 testing, repair, replacement, or other appropriate action
10 to remedy the unsafe condition.

11 “(m) SECURITY RECOMMENDATIONS.—If the Sec-
12 retary decides that a pipeline facility has a vulnerability
13 to terrorist attacks, the Secretary may recommend that
14 the operator of the facility take necessary actions to elimi-
15 nate or reduce the vulnerability.”.

16 **SEC. 8. PENALTIES.**

17 (a) CIVIL PENALTIES.—Section 60122(a)(1) is
18 amended—

19 (1) by striking “\$25,000” and inserting
20 “\$50,000”; and

21 (2) by striking “\$500,000” and inserting
22 “\$750,000”.

23 (b) CRIMINAL PENALTIES.—Section 60123(b) is
24 amended by inserting “as an act of terrorism or for any
25 other purpose” before “shall be fined”.

1 **SEC. 9. RISK MANAGEMENT.**

2 Section 60126 is amended—

3 (1) in the heading for subsection (a) by striking
4 “DEMONSTRATION”;

5 (2) in subsection (e) by inserting “and periodically thereafter,” after “March 1, 2000,”; and

7 (3) by striking “demonstration” each place it
8 appears in the section.

9 **SEC. 10. POPULATION ENCROACHMENT.**

10 Section 60127 is amended to read as follows:

11 **“§ 60127. Population encroachment**

12 “(a) STUDY.—The Secretary of Transportation, in
13 consultation with appropriate Federal agencies and State
14 and local governments, shall undertake a study of land
15 use practices and zoning ordinances with regard to pipe-
16 line rights-of-way.

17 “(b) PURPOSE OF STUDY.—The purpose of the study
18 shall be to gather information on land use practices and
19 zoning ordinances—

20 “(1) to determine effective practices to limit en-
21 croachment on existing pipeline rights-of-way;

22 “(2) to address and prevent the hazards and
23 risks to the public and the environment associated
24 with encroachment on pipeline rights-of-way; and

25 “(3) to raise the awareness of the risks and
26 hazards of encroachment on pipeline rights-of-way.

1 “(c) CONSIDERATIONS.—In conducting the study, the
2 Secretary shall consider, at a minimum, the following:

3 “(1) The legal authority of Federal agencies
4 and State and local governments in controlling land
5 use and the limitations on such authority.

6 “(2) The current practices of Federal agencies
7 and State and local governments in addressing land
8 use issues involving a pipeline easement.

9 “(3) The most effective way to encourage Fed-
10 eral agencies and State and local governments to
11 monitor and reduce encroachment upon pipeline
12 rights-of-way.

13 “(d) REPORT.—

14 “(1) IN GENERAL.—Not later than 1 year after
15 the date of enactment of this subsection, the Sec-
16 retary shall publish a report identifying practices,
17 laws, and ordinances that are most successful in ad-
18 dressing issues of encroachment on pipeline rights-
19 of-way so as to more effectively protect public safety
20 and the environment.

21 “(2) DISTRIBUTION OF REPORT.—The Sec-
22 retary shall provide a copy of the report to—

23 “(A) Congress and appropriate Federal
24 agencies; and

1 “(B) States for further distribution to ap-
2 propriate local authorities.

3 “(3) ADOPTION OF PRACTICES, LAWS, AND OR-
4 DINANCES.—The Secretary shall encourage Federal
5 agencies and State and local governments to adopt
6 and implement appropriate practices, laws, and ordi-
7 nances, as identified in the report, to address the
8 risks and hazards associated with encroachment
9 upon pipeline rights-of-way.”.

10 **SEC. 11. INTEGRITY MANAGEMENT FOR GAS TRANS-**
11 **MISSION LINES.**

12 (a) IN GENERAL.—Chapter 601 is amended by add-
13 ing at the end the following:

14 **“§ 60129. Integrity management for gas transmission**
15 **lines**

16 “(a) IN GENERAL.—

17 “(1) MANAGEMENT PROGRAMS.—In accordance
18 with the requirements of this section, the operator of
19 a transmission line shall adopt and implement an in-
20 tegrity management program for the operator’s
21 transmission lines located in high consequence areas.

22 “(2) HIGH CONSEQUENCE AREA.—The Sec-
23 retary shall define, by rule, the term ‘high con-
24 sequence area’ for the purposes of this section.

1 “(3) TRANSMISSION LINE DEFINED.—In this
2 section, the term ‘transmission line’ means a pipe-
3 line, other than a gathering line, that transports gas
4 from a gathering line or storage facility to a dis-
5 tribution center, storage facility, or large volume
6 customer that is not downstream from a distribution
7 center.

8 “(b) STANDARDS.—

9 “(1) DEADLINE.—Not later than 18 months
10 after the date of enactment of this section, the Sec-
11 retary shall issue standards for integrity manage-
12 ment programs to be carried out under subsection
13 (a).

14 “(2) ASSESSMENTS.—Standards issued under
15 paragraph (1) shall require integrity assessments of
16 transmission lines located in high consequence areas.
17 The standards shall establish a deadline for comple-
18 tion of an initial integrity assessment and a proce-
19 dure for determining intervals between additional in-
20 tegrity assessments, so as to ensure adequate moni-
21 toring of the integrity of transmission lines located
22 in high consequence areas.

23 “(3) CONSIDERATIONS.—In developing stand-
24 ards under this subsection, the Secretary shall take
25 into consideration the following:

1 “(A) The level of safety, the characteristics
2 of natural gas, the application of existing or
3 new technology, the results of technical studies
4 by recognized experts and previous assessments,
5 historical performance of gas pipelines, engi-
6 neering criteria for determining the severity of
7 threats to integrity, the availability of inspec-
8 tion equipment and analytical personnel, the se-
9 curity and reliability of supply, and the impact
10 on gas prices to consumers.

11 “(B) The appropriateness of the applica-
12 tion of various assessment methodologies, tak-
13 ing into account the nature of the anomalies of
14 specific pipeline segments under investigation,
15 including such methodologies as direct assess-
16 ment, hydrostatic testing, in-line inspection,
17 and other effective methods.

18 “(C) The application of a prescriptive or
19 performance-based means of compliance (or a
20 combination thereof).

21 “(D) Incorporation of applicable national
22 consensus standards to create a consistent and
23 effective approach to risk assessment and
24 prioritization, high consequence areas, pipeline
25 facility inspection, integrity management, and

1 repair requirements for managing pipeline in-
2 tegrity.

3 “(E) The effectiveness of review and over-
4 sight of an operator’s integrity management
5 plan by a designated pipeline safety authority.

6 “(4) CONSULTATION.—In determining the
7 deadline for completion of an initial integrity assess-
8 ment and the appropriate intervals between addi-
9 tional integrity assessments under paragraph (2),
10 the Secretary shall consult with, and take into ac-
11 count the views of, the Federal Energy Regulatory
12 Commission, the National Transportation Safety
13 Board, and the Inspector General of the Department
14 of Transportation.

15 “(c) INTERIM COVERAGE FOR TRANSMISSION
16 LINES.—

17 “(1) INTEGRITY ASSESSMENTS.—

18 “(A) IN GENERAL.—If the Secretary does
19 not prescribe standards under subsection (b)(1)
20 on or before the last day of the 18-month pe-
21 riod referred to in subsection (b)(1), an oper-
22 ator of a transmission line that is required to
23 implement an integrity management program
24 under this section shall be required to comply
25 with the schedule established by this paragraph.

1 Such schedule shall continue to apply even after
2 the Secretary prescribes standards under sub-
3 section (b)(1).

4 “(B) ASSESSMENTS IN FIRST 5 YEARS.—

5 “(i) IN GENERAL.—In the 5-year pe-
6 riod beginning on the day following the
7 last day of the 18-month period referred to
8 in subsection (b)(1), the operator shall—

9 “(I) complete a prioritization
10 plan based on risk assessments of
11 each segment of the operator’s trans-
12 mission lines located in a high con-
13 sequence area; and

14 “(II) complete an initial integrity
15 assessment of such segments that
16 pose a relatively higher probability of
17 failure based on the segments past re-
18 portable incident history, corrosion
19 protection and material defect history,
20 exposure to natural force movement,
21 high exposure to potential excavation
22 damage, or location in an area of sig-
23 nificant population increase.

24 “(ii) MINIMUM PERCENTAGE.—In-
25 spections under clause (i)(II) shall con-

1 stitute at least 50 percent of the segments
2 of the operator's transmission lines located
3 in high consequence areas.

4 “(C) ASSESSMENTS IN NEXT 5 YEARS.—In
5 the 5-year period beginning on the day fol-
6 lowing the last day of 5-year period referred to
7 in subparagraph (B)(i), the operator shall com-
8 plete an initial integrity assessment of the re-
9 maining segments of the operator's trans-
10 mission lines located in high consequence areas.

11 “(D) REINSPECTION.—After completing
12 the initial assessments, the operator shall rein-
13 spect each segment of the operator's trans-
14 mission lines located in a high consequence area
15 in accordance with the standards described by
16 the American Society of Mechanical Engineers
17 Standard ASME B31.8S.

18 “(E) INDIVIDUAL OPERATOR ASSESSMENTS
19 OF FREQUENCY OF INSPECTIONS.—

20 “(i) IN GENERAL.—In determining
21 whether to conduct inspections of a trans-
22 mission line at more frequent intervals
23 than the minimum intervals required under
24 subparagraph (D), the operator shall take
25 into account, as appropriate, the following:

1 “(I) The potential for develop-
2 ment of new defects in the trans-
3 mission line.

4 “(II) The operational characteris-
5 tics of the transmission line, including
6 age, operating pressure, corrosion his-
7 tory, leak history, and any known de-
8 ficiencies in the method of pipeline
9 construction or installation.

10 “(III) The possible growth of
11 new and existing defects.

12 “(ii) OUTSIDE FORCE DAMAGE.—For
13 purposes of clause (i)(I), in considering the
14 potential for development of new defects in
15 a transmission line from damage by an
16 outside force, an operator shall consider in-
17 formation available about current or
18 planned excavation activities and the effec-
19 tiveness of damage prevention programs in
20 the area.

21 “(2) INTERIM REQUIREMENTS.—

22 “(A) IN GENERAL.—If the Secretary does
23 not prescribe standards under subsection (b)(1)
24 on or before the last day of the 18-month pe-
25 riod referred to in subsection (b)(1), in the pe-

1 riod beginning on the day following such last
2 day and ending on the date on which the Sec-
3 retary issues standards under subsection (b)(1)
4 (in this paragraph referred to as the “interim
5 period”) the requirements of this paragraph
6 shall apply.

7 “(B) INSPECTION REQUIREMENTS.—

8 “(i) WAIVERS AND MODIFICATIONS.—

9 In the interim period, the Secretary may
10 waive or modify, in accordance with section
11 60118(c), any requirement for inspection
12 of a transmission line under this section
13 for reasons that may include the need to
14 maintain local product supply or the lack
15 of internal inspection devices if the Sec-
16 retary determines that such waiver is not
17 inconsistent with pipeline safety.

18 “(ii) INSPECTIONS.—The Secretary
19 shall prescribe standards to apply during
20 the interim period for inspection of a
21 transmission line by direct assessment.

22 “(iii) INSPECTIONS BY INTERNAL IN-
23 SPECTION DEVICES.—In the interim pe-
24 riod, the Secretary may require, after re-
25 viewing an integrity management plan, a

1 transmission line that is located in a high
2 consequence area and that can accommo-
3 date an internal inspection device to be in-
4 spected by such a device under section
5 60108.

6 “(d) OPPORTUNITY FOR LOCAL INPUT ON INTEG-
7 RITY MANAGEMENT.—

8 “(1) IN GENERAL.—Not later than 18 months
9 after the date of enactment of this section, the Sec-
10 retary shall, by regulation, establish a process for
11 addressing local safety concerns about the integrity
12 of transmission lines and the operator’s integrity
13 management program required under this section.

14 “(2) CONTENTS.—The process shall include—

15 “(A) a requirement that an operator of a
16 transmission line provide information about the
17 risk analysis and integrity management plan re-
18 quired under this section to local officials in
19 each State in which the transmission line is lo-
20 cated;

21 “(B) a description of the local officials to
22 be informed, the information to be provided,
23 and the manner in which the information is to
24 be provided, including distribution by tradi-
25 tional or electronic means;

1 “(C) the means for receiving input from
2 the local officials, including a public forum
3 sponsored by the Secretary or by the State in
4 which the transmission line is located or the
5 submission of written comments through tradi-
6 tional or electronic means;

7 “(D) the extent to which an operator of
8 the transmission line must participate in a pub-
9 lic forum sponsored by the Secretary or in an-
10 other means for receiving input from local offi-
11 cials or in the evaluation of that input; and

12 “(E) the manner in which the Secretary
13 will notify the local officials about how their
14 concerns are being addressed.”.

15 (b) CONFORMING AMENDMENT.—The analysis for
16 such chapter is amended by adding at the end the fol-
17 lowing:

“60129. Integrity management for gas transmission lines.”.

18 **SEC. 12. PIPELINE INTEGRITY RESEARCH, DEVELOPMENT,**
19 **AND DEMONSTRATION.**

20 (a) IN GENERAL.—Chapter 601 is amended by add-
21 ing at the end the following:

22 **“§ 60130. Pipeline integrity research, development,**
23 **and demonstration**

24 “(a) ESTABLISHMENT OF COOPERATIVE PRO-
25 GRAM.—

1 “(1) IN GENERAL.—The Secretary of Transpor-
2 tation, in coordination with the Secretary of Energy,
3 shall develop and implement a cooperative program
4 of research, development, and demonstration to en-
5 sure the integrity of pipeline facilities.

6 “(2) REQUIRED ELEMENTS.—The program
7 shall include materials inspection techniques, risk as-
8 sessment methodology, leak detection technologies,
9 information systems surety, and other elements the
10 Secretary of Transportation determines appropriate.

11 “(b) PROGRAM PLAN.—

12 “(1) IN GENERAL.—Not later than 1 year after
13 the date of enactment of this section, the Secretary
14 of Transportation, in coordination with the Sec-
15 retary of Energy and the Pipeline Integrity Tech-
16 nical Advisory Committee established under sub-
17 section (c), shall prepare and transmit to Congress
18 a 5-year program plan to guide activities under this
19 section.

20 “(2) CONSULTATION.—In preparing the pro-
21 gram plan, the Secretary of Transportation shall
22 consult with appropriate representatives of the gas,
23 crude oil, and petroleum product pipeline industries
24 to select and prioritize appropriate project proposals.

1 “(3) ADVICE FROM OTHER ENTITIES.—In pre-
2 paring the program plan, the Secretary of Transpor-
3 tation may also seek the advice of other Federal
4 agencies, utilities, manufacturers, institutions of
5 higher learning, pipeline research institutions, na-
6 tional laboratories, State pipeline safety officials, en-
7 vironmental organizations, pipeline safety advocates,
8 and professional and technical societies.

9 “(4) IMPLEMENTATION.—The Secretary of
10 Transportation shall have the primary responsibility
11 for ensuring that the program plan is implemented
12 in accordance with this section.

13 “(c) PIPELINE INTEGRITY TECHNICAL ADVISORY
14 COMMITTEE.—

15 “(1) ESTABLISHMENT.—The Secretary of
16 Transportation shall establish and manage a Pipe-
17 line Integrity Technical Advisory Committee (in this
18 subsection referred to as the ‘Advisory Committee’).

19 “(2) DUTIES.—The Advisory Committee
20 shall—

21 “(A) advise the Secretary of Transpor-
22 tation and the Secretary of Energy on the de-
23 velopment and implementation of the program
24 plan prepared under subsection (b); and

1 “(B) have a continuing role in evaluating
2 the progress and results of research, develop-
3 ment, and demonstration activities carried out
4 under this section.

5 “(3) MEMBERSHIP.—

6 “(A) APPOINTMENT.—The Advisory Com-
7 mittee shall be composed of 7 members ap-
8 pointed by the Secretary of Transportation, in
9 consultation with the Secretary of Energy. In
10 making such appointments, the Secretary of
11 Transportation may seek recommendations
12 from the National Academy of Sciences.

13 “(B) QUALIFICATIONS.—Members ap-
14 pointed to the Advisory Committee shall have
15 experience or be technically qualified, by train-
16 ing or knowledge, in the operations of either the
17 hazardous liquid or gas pipeline industries, and
18 have experience in the research and develop-
19 ment of pipeline or related technologies, to pro-
20 vide technical assistance to the Advisory Com-
21 mittee.

22 “(4) MEETINGS.—The Advisory Committee
23 shall meet with the Secretary of Transportation at
24 least 4 times each year.

25 “(d) REPORTS TO CONGRESS.—

1 “(1) ANNUAL REPORT.—Not later than 1 year
2 after the date of enactment of this section, and an-
3 nually thereafter, the Secretary of Transportation
4 shall transmit to the Committee on Energy and
5 Commerce and the Committee on Transportation
6 and Infrastructure of the House of Representatives,
7 and to the Committee on Energy and Natural Re-
8 sources and the Committee on Commerce, Science,
9 and Transportation of the Senate, a report on the
10 status and results to date of the implementation of
11 the program plan prepared under subsection (b).

12 “(2) CONTENTS.—The report shall include a
13 description of the activities of the Departments of
14 Transportation and Energy, national laboratories,
15 universities, and other research organizations, in-
16 cluding industry research organizations.”.

17 (b) CONFORMING AMENDMENT.—The analysis for
18 such chapter is amended by adding at the end the fol-
19 lowing:

 “60130. Pipeline integrity research, development, and demonstration.”.

20 **SEC. 13. QUALIFICATION OF PIPELINE PERSONNEL.**

21 (a) QUALIFICATION PROGRAMS.—

22 (1) IN GENERAL.—Chapter 601 is amended by
23 adding at the end the following:

1 **“§ 60131. Qualification of pipeline personnel**

2 “(a) QUALIFICATION PROGRAM.—Not later than one
3 year after the date of enactment of this section, each oper-
4 ator of a gas pipeline or hazardous liquid pipeline facility
5 shall adopt and implement a written qualification program
6 that ensures that all individuals performing covered tasks
7 for the facility are qualified to perform such tasks.

8 “(b) ELEMENTS OF QUALIFICATION PROGRAMS.—A
9 qualification program adopted by an operator under sub-
10 section (a) shall include, at a minimum, the following ele-
11 ments:

12 “(1) A method for examining or testing the
13 qualifications of individuals performing covered
14 tasks for the facility. Such method may not be lim-
15 ited to observation of on-the-job performance unless
16 such observation includes a written performance
17 evaluation.

18 “(2) A requirement that the operator complete
19 the qualification of all individuals performing cov-
20 ered tasks for the facility not later than 18 months
21 after the date of adoption of the program.

22 “(3) A periodic requalification component that
23 provides for examination or testing of individuals in
24 accordance with paragraph (1).

25 “(c) REVIEW OF QUALIFICATION PROGRAMS.—

26 “(1) REVIEW OF PROGRAMS.—

1 “(A) IN GENERAL.—The Secretary or a
2 State authority responsible for enforcing stand-
3 ards prescribed under this chapter shall review
4 the qualification program of an operator and
5 record the results of that review for use in the
6 next review of an operator’s program.

7 “(B) CONTEXT OF REVIEW.—The Sec-
8 retary or State authority may conduct a review
9 under subparagraph (A) as an element of its in-
10 spection of an operator.

11 “(C) INADEQUATE PROGRAMS.—If the Sec-
12 retary or a State authority determines that a
13 qualification program is inadequate for the safe
14 operation of a pipeline facility, the Secretary or
15 State authority shall act under section
16 60108(a)(2) to require the operator to revise
17 the qualification program.

18 “(2) AMENDMENTS TO PROGRAMS.—In order to
19 facilitate reviews under this subsection, an operator
20 shall notify the Secretary or State authority, as ap-
21 propriate, of any amendment made to the operator’s
22 qualification program not later than 30 days after
23 the date of adoption of the amendment.

1 “(3) WAIVERS AND MODIFICATIONS.—In ac-
2 cordance with section 60118(c), the Secretary may
3 waive or modify any requirement of this section.

4 “(d) COVERED TASK DEFINED.—In this section, the
5 term ‘covered task’—

6 “(1) with respect to a gas pipeline facility, has
7 the meaning such term has under section 192.501 of
8 title 49, Code of Federal Regulations, as in effect on
9 the date of enactment of this section; and

10 “(2) with respect to a hazardous liquid pipeline
11 facility, has the meaning such term has under sec-
12 tion 195.801 of such title, as in effect on the date
13 of enactment of this section.”.

14 (2) CONFORMING AMENDMENT.—The analysis
15 for chapter 601 is amended by adding at the end the
16 following:

 “60131. Qualification of pipeline personnel.”.

17 (b) PILOT PROGRAM FOR CERTIFICATION OF CER-
18 TAIN PIPELINE WORKERS.—

19 (1) IN GENERAL.—Not later than 36 months
20 after the date of enactment of this Act, the Sec-
21 retary of Transportation shall—

22 (A) develop tests and other requirements
23 for certifying the qualifications of individuals
24 who operate computer-based supervisory control
25 and data acquisition (referred to in this sub-

1 section as “SCADA”) systems for controlling
2 the operations of pipelines; and

3 (B) establish and carry out a pilot pro-
4 gram for 3 pipeline facilities under which the
5 individuals operating SCADA systems for con-
6 trolling the operations of pipelines at such fa-
7 cilities are required to be certified under the
8 process established under subparagraph (A).

9 (2) REPORT.—Not later than 5 years after the
10 date of enactment of this Act, the Secretary shall
11 transmit to Congress a report on the results of the
12 pilot program. The report shall include—

13 (A) a description of the pilot program and
14 implementation of the pilot program at each of
15 the 3 pipeline facilities;

16 (B) an evaluation of the pilot program, in-
17 cluding the effectiveness of the process for cer-
18 tifying individuals who operate SCADA systems
19 for controlling the operations of pipelines;

20 (C) any recommendations of the Secretary
21 for requiring the certification of all individuals
22 who operate SCADA systems for controlling the
23 operations of pipelines; and

24 (D) an assessment of the ramifications of
25 requiring the certification of other individuals

1 performing safety-sensitive functions for a pipe-
2 line facility.

3 (3) REPORT ON OPERATOR QUALIFICATION
4 RULE IMPLEMENTATION.—Not later than 2 years
5 after the date of the enactment of this section, the
6 Secretary shall transmit to Congress a report on the
7 implementation of the operator qualification rule
8 issued by the Secretary in August 1999.

9 **SEC. 14. SECURITY OF PIPELINE FACILITIES.**

10 (a) IN GENERAL.—Chapter 601 is further amended
11 by adding at the end the following:

12 **“§ 60132. Security of pipeline facilities**

13 “(a) TERRORISM SECURITY PROGRAMS.—

14 “(1) IN GENERAL.—Subject to the require-
15 ments of this subsection, the Secretary of Transpor-
16 tation shall require the operator of a pipeline facility
17 to develop and implement a terrorism security pro-
18 gram.

19 “(2) CONTENTS OF PROGRAMS.—

20 “(A) IN GENERAL.—A terrorism security
21 program of a pipeline operator shall consist of
22 written procedures to follow and actions to take
23 in the event of a terrorist attack on a pipeline
24 facility or an attack on other infrastructure fa-
25 cilities in the United States. Such procedures

1 shall include procedures for communicating
2 with military, law enforcement, emergency serv-
3 ice, and other appropriate State and local gov-
4 ernment and non-government entities.

5 “(B) STANDARD.—A terrorism security
6 program of a pipeline operator shall require the
7 operator to establish and implement reasonable
8 procedures to safeguard the pipeline facility and
9 safely maintain its operations.

10 “(3) APPROVAL OF PROGRAMS.—Not later than
11 1 year after the date of enactment of this section,
12 the Secretary shall conduct a review of, and approve
13 or disapprove, the terrorism security program of
14 each pipeline operator. The Secretary shall prescribe
15 procedures for the review and standards for the ap-
16 proval of such programs.

17 “(b) TECHNICAL ASSISTANCE.—The Secretary may
18 provide technical assistance to an operator of a pipeline
19 facility, or to State, tribal, or local officials, to prevent
20 or respond to acts of terrorism that may affect the pipeline
21 facility. Such technical assistance may include at a
22 minimum—

23 “(1) actions by the Secretary that support the
24 use of National Guard or State or Federal personnel
25 to provide additional security for a pipeline facility

1 at risk of terrorist attack or in response to such an
2 attack;

3 “(2) use of resources available to the Secretary
4 to develop and implement security measures for a
5 pipeline facility;

6 “(3) identification of security issues with re-
7 spect to the operation of a pipeline facility; and

8 “(4) the provision of information and guidance
9 on security practices that prevent damage to pipeline
10 facilities from terrorist attacks.”.

11 (b) CONFORMING AMENDMENT.—The analysis for
12 chapter 601 is amended by adding at the end the fol-
13 lowing:

“60132. Security of pipeline facilities.”.

14 **SEC. 15. NATIONAL PIPELINE MAPPING SYSTEM.**

15 (a) IN GENERAL.—Chapter 601 is further amended
16 by adding at the end the following:

17 **“§ 60133. National pipeline mapping system**

18 “(a) INFORMATION TO BE PROVIDED.—Not later
19 than 6 months after the date of enactment of this section,
20 the operator of a pipeline facility shall provide to the Sec-
21 retary of Transportation the following information with
22 respect to the facility:

23 “(1) Geospatial data appropriate for use in the
24 National Pipeline Mapping System or data in a for-
25 mat that can be readily converted to geospatial data.

1 “(2) The name and address of the person with
2 primary operational control to be identified as its op-
3 erator for purposes of this chapter.

4 “(3) A means for a member of the public to
5 contact the operator for additional information
6 about the pipeline facilities it operates.

7 “(b) UPDATES.—A person providing information
8 under subsection (a) shall provide to the Secretary up-
9 dates of the information to reflect changes in the pipeline
10 facility owned or operated by the person and as otherwise
11 required by the Secretary.

12 “(c) TECHNICAL ASSISTANCE TO IMPROVE LOCAL
13 RESPONSE CAPABILITIES.—The Secretary may provide
14 technical assistance to State and local officials to improve
15 local response capabilities for pipeline emergencies by
16 adapting information available through the National Pipe-
17 line Mapping System to software used by emergency re-
18 sponse personnel responding to pipeline emergencies.”.

19 (b) CONFORMING AMENDMENT.—The analysis for
20 chapter 601 is amended by adding at the end the fol-
21 lowing:

 “60133. National pipeline mapping system.”.

22 **SEC. 16. COORDINATION OF ENVIRONMENTAL REVIEWS.**

23 (a) IN GENERAL.—Chapter 601 is further amended
24 by adding at the end the following:

1 **“§ 60134. Coordination of environmental reviews**

2 “(a) ENVIRONMENTAL REVIEW PROCESS.—The Sec-
3 retary of Transportation shall develop and implement a
4 coordinated environmental review process for pipeline re-
5 pair and rehabilitation projects.

6 “(b) CONCURRENT REVIEWS.—The coordinated envi-
7 ronmental review process shall ensure that all environ-
8 mental reviews, analyses, opinions, permits, licenses, and
9 approvals that must be issued or made by a Federal agen-
10 cy for a pipeline repair or rehabilitation project will be
11 conducted concurrently and completed within a time pe-
12 riod established by the Secretary.

13 “(c) MEMORANDUM OF UNDERSTANDING.—The co-
14 ordinated environmental review process may be incor-
15 porated into a memorandum of understanding between the
16 Secretary and other Federal or State agencies.

17 “(d) PARTICIPATION IN ENVIRONMENTAL RE-
18 VIEWS.—The Secretary, as appropriate, may provide com-
19 ments and technical assistance to a State, local, or other
20 governmental entity conducting an environmental review
21 of a pipeline repair or rehabilitation project.

22 “(e) IDENTIFICATION OF JURISDICTIONAL AGEN-
23 CIES.—

24 “(1) IN GENERAL.—With respect to each pipe-
25 line repair or rehabilitation project, the Secretary
26 shall identify, as soon as practicable, all Federal and

1 State agencies that may have jurisdiction over envi-
2 ronmental-related matters that may be affected by
3 the project or may be required by law to conduct an
4 environmental-related review or analysis of the
5 project or determine whether to issue a permit, li-
6 cense, or approval or render an opinion on the envi-
7 ronmental impact of the project.

8 “(2) LIST OF AGENCIES.—Upon request, the
9 Secretary shall provide to the operator of a pipeline
10 facility a list of the Federal and State agencies iden-
11 tified by the Secretary under paragraph (1) for a
12 pipeline repair or rehabilitation project to be con-
13 ducted for the facility.

14 “(f) TERMINATION OF JURISDICTION.—If the Sec-
15 retary determines that a Federal agency has not met a
16 deadline established under subsection (b) for a project, the
17 Secretary may, after notice and consultation with the
18 agency, terminate the jurisdiction of the agency with re-
19 spect to the project.

20 “(g) STATE AUTHORITY.—If a coordinated review
21 process is being implemented under this section by the
22 Secretary with respect to a project on a pipeline facility
23 within the boundaries of a State, the State may choose
24 to participate in such process. A State participating in
25 such process shall require all State agencies that have ju-

1 jurisdiction over environmental-related matters that may be
2 affected by the project, or may be required by law to con-
3 duct an environmental-related review or analysis of the
4 project or determine whether to issue a permit, license,
5 or approval or render an opinion on the environmental im-
6 pact of the project, to be subject to the process.

7 “(h) PURPOSE AND NEED.—For any environmental
8 review, analysis, opinion, permit, license, or approval that
9 must be issued or made by a Federal or State agency for
10 a pipeline repair and rehabilitation project and that re-
11 quires an analysis of purpose and need for the project,
12 the agency shall be bound by the project purpose and need
13 as defined by the Secretary.”.

14 (b) CONFORMING AMENDMENT.—The analysis for
15 chapter 601 is amended by adding at the end the fol-
16 lowing:

“60134. Coordination of environmental reviews.”.

17 **SEC. 17. PIPELINE SECURITY-SENSITIVE INFORMATION.**

18 Section 60117(d) is amended—

19 (1) by striking “Information” and inserting the
20 following:

21 “(1) IN GENERAL.—Information”;

22 (2) by moving the remainder of the text of
23 paragraph (1) (as so designated) 2 ems to the right;
24 and

25 (3) adding at the end the following:

1 “(2) INFORMATION REVEALING
2 VULNERABILITIES.—

3 “(A) IN GENERAL.—If the Secretary deter-
4 mines that particular information obtained by
5 the Secretary or an officer, employee, or agent
6 in carrying out this chapter may reveal a sys-
7 temic vulnerability of a pipeline system, or a
8 vulnerability of pipeline facilities to attack, the
9 information shall be withheld from public dis-
10 closure.

11 “(B) DISCLOSURE TO CERTAIN PER-
12 SONS.—Information withheld from public dis-
13 closure under subparagraph (A) may be dis-
14 closed only—

15 “(i) to an officer, employee, or agent
16 of a Federal, State, tribal, or local govern-
17 ment, including a volunteer fire depart-
18 ment, concerned with carrying out this
19 chapter, with protecting the facilities, with
20 protecting public safety, or with national
21 security issues;

22 “(ii) in an administrative or judicial
23 proceeding brought under this chapter or
24 one that addresses terrorist actions or
25 threats of such actions; and

1 “(iii) to such other persons as the
2 Secretary determines necessary to protect
3 public safety and security.

4 “(C) DISCLOSURE DETERMINATIONS.—
5 The Secretary, by regulation, may make a de-
6 termination regarding disclosure under sub-
7 paragraph (A) with respect to a category of in-
8 formation or a class of persons.

9 “(D) RELATIONSHIP TO TITLE 5.—A re-
10 lease of information withheld from public disclo-
11 sure under subparagraph (A) to persons identi-
12 fied in subparagraph (B) is not a release to the
13 public within the meaning of section 552 of title
14 5.”.

15 **SEC. 18. TECHNICAL AMENDMENTS.**

16 Chapter 601 is amended—

17 (1) in section 60102(a)—

18 (A) by striking “(a)(1)” and all that fol-
19 lows through “The Secretary of Transpor-
20 tation” and inserting the following:

21 “(a) MINIMUM SAFETY STANDARDS.—

22 “(1) IN GENERAL.—The Secretary of Transpor-
23 tation”;

24 (B) by moving the remainder of the text of
25 paragraph (1), including subparagraphs (A)

1 and (B) but excluding subparagraph (C), 2 ems
2 to the right; and

3 (C) in paragraph (2) by inserting “QUALI-
4 FICATIONS OF PIPELINE OPERATORS.—” before
5 “The qualifications”;

6 (2) in section 60110(b) by striking “cir-
7 cumstances” and all that follows through “operator”
8 and inserting the following: “circumstances, if any,
9 under which an operator”;

10 (3) in section 60114 by redesignating sub-
11 section (d) as subsection (c);

12 (4) in section 60122(a) by striking “section
13 60114(c)” and inserting “section 60114(b)”; and

14 (5) in section 60123(a) by striking “60114(c)”
15 and inserting “60114(b)”.

16 **SEC. 19. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) GAS AND HAZARDOUS LIQUID.—Section
18 60125(a) is amended to read as follows:

19 “(a) GAS AND HAZARDOUS LIQUID.—To carry out
20 this chapter (except for sections 60107 and 60130) related
21 to gas and hazardous liquid, the following amounts are
22 authorized to be appropriated to the Department of
23 Transportation:

24 “(1) \$35,500,000 for fiscal year 2002, of which
25 \$29,500,000 is to be derived from user fees for fis-

1 cal year 2002 collected under section 60301 of this
2 title.

3 “(2) \$37,900,000 for fiscal year 2003, of which
4 \$31,900,000 is to be derived from user fees for fis-
5 cal year 2003 collected under section 60301 of this
6 title.

7 “(3) \$41,700,000 for fiscal year 2004, of which
8 \$35,700,000 is to be derived from user fees for fis-
9 cal year 2004 collected under section 60301 of this
10 title.

11 “(4) \$47,100,000 for fiscal year 2005, of which
12 \$41,100,000 is to be derived from user fees for fis-
13 cal year 2005 collected under section 60301 of this
14 title.”.

15 (b) STATE GRANTS.—Section 60125 is amended—

16 (1) by striking subsections (b), (d), and (f) and
17 redesignating subsections (c) and (e) as subsections
18 (b) and (d), respectively; and

19 (2) in subsection (b)(1) (as so redesignated) by
20 striking subparagraphs (A) through (H) and insert-
21 ing the following:

22 “(A) \$18,500,000 for fiscal year 2002, of which
23 \$13,500,000 is to be derived from user fees for fis-
24 cal year 2002 collected under section 60301 of this
25 title.

1 “(B) \$19,800,000 for fiscal year 2003, of which
2 \$14,800,000 is to be derived from user fees for fis-
3 cal year 2003 collected under section 60301 of this
4 title.

5 “(C) \$21,700,000 for fiscal year 2004, of which
6 \$16,700,000 is to be derived from user fees for fis-
7 cal year 2004 collected under section 60301 of this
8 title.

9 “(D) \$24,600,000 for fiscal year 2005, of which
10 \$19,600,000 is to be derived from user fees for fis-
11 cal year 2005 collected under section 60301 of this
12 title.”.

13 (c) RESEARCH.—Section 60125 is amended by in-
14 serting after subsection (b) (as redesignated by subsection
15 (b)(1) of this section) the following:

16 “(c) PIPELINE INTEGRITY RESEARCH, DEVELOP-
17 MENT, AND DEMONSTRATION.—In addition to amounts
18 authorized under subsections (a) and (b), not more than
19 \$3,000,000 for each of fiscal years 2002 through 2005
20 may be appropriated to the Secretary to carry out section
21 60130.”.

22 (d) CONFORMING AMENDMENT.—Section 60125(d)
23 (as redesignated by subsection (b)(1) of this section) is
24 amended by striking “or (b) of this section”.

1 (e) EMERGENCY RESPONSE GRANTS.—Section
2 60125 is amended by adding after subsection (d) (as re-
3 designated by subsection (b)(1) of this section) the fol-
4 lowing:

5 “(e) EMERGENCY RESPONSE GRANTS.—There are
6 authorized to be appropriated \$6,000,000 for each of fis-
7 cal years 2002, 2003, and 2004 to carry out subsection
8 (d) of section 60116.”.